

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.3645 OF 2007

Sou. Trupti Devidas Chavan .. Applicant
V/s
State of Maharashtra .. Respondent

Mr.J. Shekhar for the applicant.

Mr.D.P. Adsule, A.P.P. for the State.

CORAM : D.G. KARNIK, J.

DATE : 4TH DECEMBER 2007

P.C. :

1. Heard the learned counsel for the applicant and the learned A.P.P. for the State.

2. This application under section 438 of the Cr.P.C. is made for anticipatory bail in respect of C.R. No.132/2007 registered with the Temburni Police Station for the alleged offences punishable under sections 498-A, 302, 323, 504 read with 34 of the I.P.C.

3. Vijay Dinkarrao Patil, the husband of the deceased, is the main accused. The applicant is his married sister. She resides in a different town. She

is present in the court along with her son aged one year. The first dying declaration dated 19th August 2007 recorded within few hours after the incident does not implicate her in any way. In the second dying declaration dated 20th August 2007, the deceased mentions the presence of the applicant and does not attribute any active role to her. She mentions that the applicant was present and was watching the incident.

4. Taking into consideration the omission to mention the applicant in the first dying declaration and also the fact that the applicant is a married sister living in different town and has a child of one year to look after, it would be appropriate to grant the applicant anticipatory bail. In the circumstances, I pass the following order:

ORDER

In the event of the arrest of the applicant in connection with the crime bearing C.R. No.132/2007 registered with Temburni Police Station, the applicant shall be released on bail on a personal bond of Rs.10,000/- with one surety in the like amount subject to the following conditions:

(a) The applicant shall not make any inducement nor

give any threats to any of the prosecution witnesses and shall not in any manner tamper with the prosecution witnesses.

(b) The protection under this order shall come to an end 15 days after the charge sheet is filed against the applicant. Thereupon, the applicant shall be entitled to apply for regular bail before the Sessions Court. In the event the applicant applies for regular bail before the Sessions Court, it shall be considered on its own merits without being influenced by any of the observations made in this order.

(D.G. KARNIK, J.)